

# ***FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** November 12, 2015

**Agenda Item:** Authority to Prohibit Floating near Supply Ditch on the Bitterroot River– Biennial Rule

**Division:** Fisheries

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 10 minutes

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## **Background**

In 2011, the Bitterroot River shifted flow into a new stream channel and over the Supply Ditch Diversion creating a dangerous hydraulic at this location. Floating accidents occurred. FWP placed signs to warn of the danger. Despite the warnings, more accidents and one fatality occurred in 2013. More outreach was provided using signs and newspaper articles. No more accidents were reported in 2013, but at least two more accidents occurred in 2014. By April 2014, FWP implemented an emergency rule closure for user safety on a five-mile section of the Bitterroot River, from Woodside Crossing FAS downstream to Tucker Crossing (West) FAS. In 2015, FWP requested and the Commission approved, FWP authority to again close this portion of the river to floating under certain conditions. Closure was not necessary in 2015 because flows happened to provide a safe alternative route past the diversion. But the need for an option to prohibit floating during spring runoff remains in 2016 and likely again in 2017, before repairs to alleviate the problem can be completed. Closure may be needed if: (1) other channels are not available to get around the dam; (2) high water washes away signs or alters conditions at the dam; or (3) repair work is underway at the structure.

## **Public Involvement Process & Results**

In 2015, public comment was solicited concerning FWP authority to close this portion of the Bitterroot River to floating, including a public meeting held in Hamilton. Comments supporting the authority (27%) mentioned concern for public safety. Comments not supporting the authority (73%) mostly disliked the idea of closing rivers at all. If approved by the Commission today, a similar public comment process would be initiated, with results included in any final FWP proposal.

## **Alternatives and Analysis**

The Commission can approve the proposal and initiate a public process concerning FWP authority to prohibit floating this portion of the Bitterroot River in 2016 and 2017, if necessary. The Commission can reject the proposal. Outreach would continue but floaters would be less well protected from the hazard, risking its danger at their own risk.

## **Agency Recommendation & Rationale**

FWP recommends supporting the proposed rule. Outreach alone may not adequately protect public safety, high flows may change river conditions and destroy signs, and posted information may not accurately reflect rapidly changing conditions at the dam. Closing a portion of the river from Woodside to Tucker FAS, if necessary, would substantially enhance public awareness of this hazard. Implementation of plans to repair the problem may also be possible in 2016; a public-safety closure would be necessary to safely complete that work. The floating closure would be implemented only to best meet public safety objectives, while minimizing the length of time and the length of river affected.

## **Proposed Motion**

I move that the Commission propose the biennial rule as recommended by FWP and initiate a public comment process.